

SECOND TRIAL
OF
JOHN FRANCIS KNAPP
BY A NEW JURY,
RECOMMENCED AT SALEM, AUGUST 14, 1830,
FOR THE
MURDER
OF
CAPT. JOSEPH WHITE,

BEFORE THE -
Supreme Judicial Court
OF THE
COMMONWEALTH OF MASSACHUSETTS,

AT A SPECIAL SESSION,

COMMENCED AT SALEM, JULY 20, 1830.

REPORTED FOR THE PUBLISHERS.

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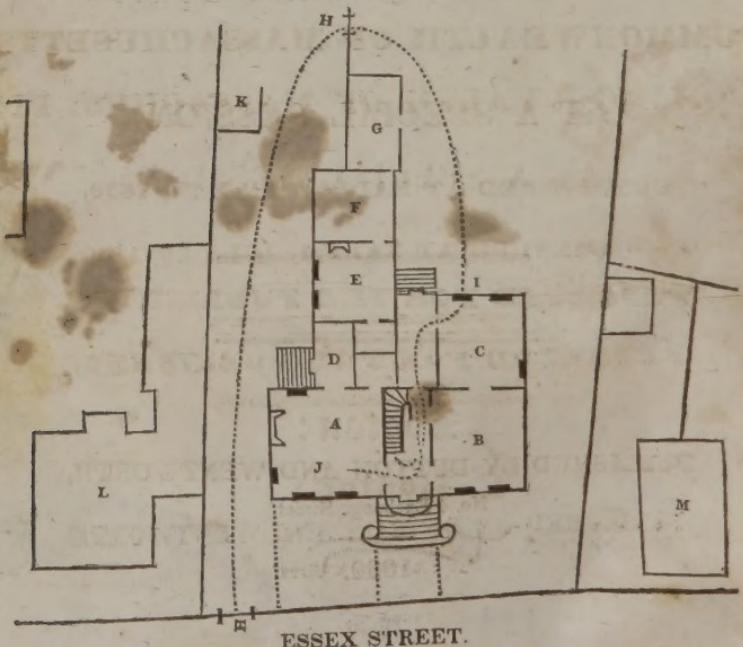
PLATE I.

Plan of the Streets in the Vicinity of Capt. White's House, Salem.



PLATE II.

Plan of the House of Capt. Joseph White, Essex Street, Salem.



SECOND TRIAL
OF
JOHN FRANCIS KNAPP,
FOR THE MURDER OF
CAPT. JOSEPH WHITE,
AS PRINCIPAL IN THE SECOND DEGREE.

Commenced Saturday, August 14, 1830.

PRESENT,

Judges PUTNAM, WILDE, & MORTON.

Attorney General MORTON, Solicitor General DAVIS.

Special Counsel for the Prosecution,

Honourable DANIEL WEBSTER.

JURORS.

Sam'l. N. Baker, Ipswich, *Foreman.*
Orlando Abbott, Andover,
Timothy Appleton, Ipswich,
Stephen Bailey, Amesbury,
Jacob Brown, Hamilton,
William D. S. Chase, Newbury,

Stephen Caldwell, Newburyport,
Phineas Elliot, Haverhill,
John Ladd, Haverhill,
Thomas Merrill, Topsfield,
Amos Sheldon, Beverly,
Moses Towne, Andover.

The prisoner, before the pannel was completed, challenged thirteen jurors peremptorily, and sixteen for cause.

The jurors were sworn, and the clerk proceeded to read the indictment; to which indictment the prisoner at the bar had pleaded 'Not Guilty.'

It was stated by the Court, that after the charge, no further instructions would be given to the jury, and that any suggestions of the counsel, relative to the charge, must be made in writing, and before argument.

MONDAY, 16th.

Benjamin White's testimony. He was Capt. White's servant. About 6 o'clock, Wednesday morning, 7th April, he went down into the kitchen and opened the shutters of the eastern window. He saw the back window of the north-eastern room open, and a plank up against the window—went into the front parlor, but did not think any one had been there—went up to the maid-servant's room and told her what he had found; then went to Capt. White's chamber and found the door opening into the front entry standing open, and Mr. White murdered in his bed—went down stairs and informed the maid-servant, and then

went into the street and gave the alarm at Mr. Mansfield's; Mr. De-land's, Dr. Johnson's, and Mr. Stephen White's. When he first saw the corpse, his face was very pale—there was a little blood on the bed, or about his flannel, and the bed clothes were turned down. The window was open about 21 or 22 inches—it was usually fastened by a screw, and the shutter by a bar, which was then standing by right side of the window. The rooms in common use, were the dining-room—the chamber over that, occupied by Mr. White—the chamber over that, occupied by the maid-servant—the kitchen and chamber over that, occupied by Mrs. Beckford—and his own chamber over Mrs. Beckford's. The other rooms were not used except when strangers visited the house. On the night of the murder Mrs. B. was at Wenham—she went there about 12 o'clock that day. Mr. White went to bed about 20 minutes before 10 that night—his usual hour was about 9—he was a little deaf, particularly in his left ear—was about 82 years of age. The bed stood against the eastern wall of the chamber, with its foot to the west. If Capt. White was lying upon his right side, a person entering the room from the front entry, would come behind him. Witness went to bed immediately after Capt. White, and as he was going up, looked at the clock—it was about 1-4 before ten—left the maid-servant raking up the fire. To get at the opened window, it was necessary to pass through the avenue, on the west of the house, through a garden gate, and up the garden round the buildings. When Mr. White came in, he usually left the front door unfastened until he went to bed. The family relations went in and out without knocking. The shovel and tongs had been removed from the chamber. Joseph Knapp usually came to the house about 4 in the afternoon. When the family were out he had access to all the rooms.

Miss Lydia Kimball's testimony. She was the maid-servant alluded to by Benj. White, and confirmed his testimony.

Dr. Samuel Johnson's testimony. He was called, about 6 o'clock, to Mr. White's house—went there with Mr. Stephen White. Upon entering the chamber, found him lying upon his right side, from corner's to corner of the bed. There was a mark on his left temple—considerable blood on his bed, and he had bled slightly at the side. A coroner's jury was called, and the body examined. Five stabs were found in the region of the heart—three in front of the left pap, and five further back, as if the arm had been raised and the weapon struck under it—either the wound on the head, or the stab, would have caused death. A portion of the temple was broken in—two of the wounds had passed the walls of the heart, but did not reach the cavity. He thinks the weapon with which the blow on the head was inflicted was a loaded cane, smooth and calculated to give a heavy blow without bruising the skin—the stabs were probably made with a dirk—three of the ribs were fractured, probably by the hilt of the dirk—saw two foot-prints under the open window directed towards the wall of the house, and saw the plank set up against the house. The body was not quite cold—there was no pulsation. It is probable that the blow on the head checked the circulation, and prevented a loss of blood—thought at first, that the murder had been committed three or four hours, but it might have been done six or eight.

Benjamin Leighton's testimony. He lives at Wenham with Mr. Davis, where Mrs. Beckford and J. J. Knapp, jr.'s. family live. Heard a

conversation between Joseph J. Knapp, jr. and Francis Knapp, about a week before Capt. White was murdered ; he went down an avenue and sat down ; after a few minutes he heard men talking ; saw F. and J. J. Knapp, jr. ; they came close to the gate ; he sat behind the wall near the gate ; J. J. asked, 'when did you see Dick ?' F. answered, 'this morning.' J. J. then asked, 'when is he going to kill the old man ?' F. said, 'I don't know ;' and J. J. replied, 'if he don't kill him soon I wont pay him.' They then turned back. It was about 3 o'clock. They were not aware of his being within hearing ; he was waiting for Mr. Davis to go to work ; has since tried to see if they could have seen him, as he was afraid they would kill him if they had known that he was there, and had heard the conversation. He never saw Frank have a dirk before the murder, or any thing but a sword cane. After the murder, Frank used to play round him with a dirk, and prick him with it.

John C. R. Palmer's testimony. (Mr. Gardiner, counsel for prisoner, objected to his evidence, as he did not believe in a future state. Palmer was then sworn to answer such questions as might be asked, and said he believed in a Divine Providence, and a future state of rewards and punishments. He was then sworn, and testified.) He knows the prisoner ; has been in company with him at the Crowninshield's house twice. He was intimate with George and Richard Crowninshield. The first time he saw the prisoner, was on the afternoon of the 2nd April last, about 2 o'clock. Frank came out with a young man named Allen, on two white horses ; saw him in company with George C. ; Allen was in company with Richard ; they walked away ; didn't see them in the house ; was in a chamber of the house himself ; saw them from the window ; George, and F. Knapp, walked away together ; did not see them again till after 4 o'clock ; came between 1 and 2 ; after 4 he saw them all four ; Allen and Knapp got on horseback, and rode off ; don't know where ; the two Crowninshields came immediately into the chamber where he was ; there was something said at that time about the proposed murder ; both George and Richard spoke of it. George, in the presence of Richard, proposed to him to be concerned in the murder of Capt. Joseph White ; they offered him one third of the money George Crowninshield would receive, which was \$1,000, to be paid by Joseph J. Knapp, jr. Richard said it would be easy to meet him that night and overset his carriage. George said he had gone out to his farm. Joseph's object was to have a will destroyed. G. gave him reasons for engaging in it, and said he was poor, had no funds, and that would be a good opportunity for him to obtain money, no other time than that was mentioned for committing the murder ; nothing was mentioned about entering the house ; they said the house-keeper would be absent from home at the time he would be murdered. Francis came again that day between 7 and 8 in the evening ; came alone in a chaise ; thinks he staid over half an hour ; went in company with Richard in the same chaise ; said he was going to the mineral spring ; didn't see Frank Knapp afterwards ; never has seen him from that time till now. Richard came home between 11 and 12 ; don't know how he came ; left Danvers the next afternoon, Saturday. The will was to be destroyed at the time of the murder. Joseph Knapp was to get it ; he could have the keys of the trunk from Mrs. Beckford, the house-keeper ; he was to get the will, and at the same time the man

was to be murdered ; said the will gave the estate to Mr. Stephen White, who lived at the Tremont House, Boston ; left the place on the next day after this interview. Saw the Crowninshields next, on the 9th of April ; went to their house somewhere between 11 and 12 at night ; went under the window and spoke to George ; he opened the chamber window and asked who it was ; I told him, and asked him to come down ; he asked if any one was with me ; I said no, and he came ; he then asked if I had heard the news ; I said, yes ; left there the next night and went to Lynnfield and put up, and went, the next afternoon, to Providence ; staid in Providence two days. On the 27th, had another interview with the two Crowninshields, at their house ; staid there till the 29th ; had four 5 franc pieces, on the 29th, from Richard ; asked him for it, and promised to return it ; went to Lowell, from there to Boston and afterwards to Roxbury and to Belfast, by water : the master's name, he believes was John Boyles : wrote from Belfast to Joseph J. Knapp.* Came to Salem last February : lived at the Coffee House a fortnight : was a part of the time at Danvers : went by the name of Carr, a part of his name ; he preferred it at that time : was in no business : lived at the Crowninshields : with G. and R. ; they kept one room in the house to themselves : he lived in that : had no intercourse with the rest of the family : it was immaterial to him, whether it was known that he was there or not : has seen the family out of the house, but not in the room : don't know whether they knew he was there or not : was taken at Prospect, Maine, at the post-office, and taken to Belfast by Mr. Jones : examined and committed to Belfast jail : was not chained at that time, was there more than a week : Mr. Jones took him out of jail and brought him up by land : was in chains during his journey : was put into a cell on the first floor : had two windows : two small slits in the wall, instead of windows. Was in jail nearly a month : first stated what he knew concerning the murder at Providence : afterwards at Belfast : at Salem to the Committee of Vigilance : made it in writing, of his own will, and sent it to them : was not compelled : has not been told he was in danger of being sent to the state prison : was not told that he was in danger of prosecution : has not had any promises of any sort : was offered the protection of the State from this crime, if he testified : had declined it : supposed he should be discharged because they had no claims to hold him : has not said he preferred remaining in jail : did not want counsel, has refused it. Passed at Babb's half-way house, on the Salem turnpike, by the name of 'George Crowninshield' : did not call himself by that name when he went ; but as he was coming away, owed the landlord, who asked his name ; told him he would call and pay in a few days : left a silk handkerchief in pledge ; belonged to himself ; never in trade in Boston : knew of the reward offered : knew it on the 9th of April ; don't know that he took any means to receive it ; was not actuated by that motive ; don't remember that he has consulted with any one as to obtaining the reward ; don't recollect that he has asked any one for it ; his object in writing the letter was to know whether J. J. K., jr. had any hand in committing the murder ; he would have made it known ; that was his motive, because he thought it ought not to be concealed : knew of the Committee of Vigilance.

* See note A.

lance : did not state to them because he was not then prepared : wanted to advise with a friend to tell him how he should proceed : not with reference to obtaining the reward ; not alone to bring it out ; perhaps he expected a part of the reward ; don't know that he should have refused it ; probably it would not have been his duty if he deserved it ; should leave the public to say whether he deserved it or not ; did not expect it, because he understood that others were before him ; advised with his father before writing to Knapp ; his father gave him no advice, probably had not made up his mind before he wrote ; did not tell what he heard before the murder, because he did not believe the scheme to be true ; thought they were joking ; did not believe they were serious, till after he heard of the murder.

Went on the 9th to Crowninshield's house ; called up George ; G. asked if any one was with him : said no ; asked if he had heard of the murder : George said they had no hand in it ; went up into the room ; was asked by Dick if he had heard the music down in Salem ; and said that the people supposed they had some hand in it, and they must leave here ; he replied, that would be a bad plan, because if they were innocent, they would be arrested : was told, by George, that he had taken the dirk down to the machine shop and melted it down to the handle ; did it because a committee was appointed, to search in people's houses for such things, and it would be a bad sign ; Dick and he agreed to meet at Lowell on the first of May. Has not stated that the murder was committed with a hatchet, nor that he thought so ; he found a hatchet, and hid it away ; he did not know but it had been used ; put it away that he might know where to find it ; the handle had been nearly sawed off ; there was clay on the head of it ; it looked as if it had been hammered down in clay.

William H. Allen's testimony. Two letters were handed to him*—has seen them before—put them in the Salem Post Office on Sunday afternoon, between 5 and 6 o'clock, the 16th of May, at the request of Joseph J. Knapp, Jr.—he gave them to the witness for that purpose, and said that his father and Nat. (Phippen,) came up to see him yesterday, at Wenham, and brought with them an anonymous letter, from a fellow somewhere down east, containing a devilish lot of trash—that the fellow wrote, I know all your plans and your brother's, and will expose you, if you don't send me money—that they had had a good laugh at it, and requested his father to give it to the Committee of Vigilance—that they had made fun of it ; 'what I want of you, is, to put these letters into the Post office, and nip this silly affair in the bud.' He said several other things—but witness could not recollect them—said his mother Beckford was getting old, and spoke in a frivolous manner.

* See Note B.

Mr. Coleman called.—(Mr. Dexter endeavored to have his evidence of the confession ruled out; the Judges were unanimous, and gave their opinions, severally, in favor of its admission.)—Mr. Coleman had no personal acquaintance with the prisoner until the 28th of May, at his examination before Justice Savage. On the afternoon of that day he was requested, by his brother, Mr. N. Phippen Knapp, to go with him into Frank's cell. When they went in, Phippen said, ‘Frank, Joseph has determined to make confession, and we want your consent.’ Prisoner replied, that he thought it hard, Joseph should have the benefit of making confession, as the thing was done for his advantage; that he told Joseph, when he proposed it, that it was a silly business, and would only get them into difficulty. Phippen, (as witness thinks,) to reconcile Frank to Joseph's making a confession, told him that if Jo. were convicted, there would be no chance for him, (i. e. Jo) but if he were convicted there would be some chance of procuring a pardon. Phippen appealed to witness and asked him if he did not think so. Witness said he did not know, and was unwilling to hold out any improper encouragement. No promise, or encouragement, or threats were made to the prisoner, except as above stated. Frank asked him if he would use his influence to procure a pardon. He replied, that he could promise nothing, but thought that his youth would be in his favor. Frank told him that the murder took place between 11 and 12 o'clock, and that Richard Crowninshield was alone in the house, and that he (Frank) went home afterwards. Prisoner gave him precise directions where to find the club. He went with Dr. Barstow and Mr. Wm. Fettyplace, and found it under the steps of the Howard street meeting-house, nearest the burying ground. There was a rat-hole large enough to admit his hand; on the first trial he did not reach it; but thrusting his hand an inch or two further, brought it out. Frank also told him that the dagger, or daggers, were worked up at the factory.

Stephen C. Phillips' testimony. Knows Frank and Joseph Knapp—has known Joseph long—they came before the committee, at a suggestion that it would be agreeable to the committee, and made a statement similar to that published in the Essex Register.* After having made the statement as given by the witness, and assented to the minutes made by the committee, they were advised to take care of themselves, to which they said, they were prepared to give them cold lead if they attacked them (the Knapps) again.

The descriptions of the persons corresponded with the description of persons heard of in Brown street, and suspected; but the Knapps did not know what description the committee had received, nor that any persons were suspected by the committee—it was a matter of common rumor—the statement was given mostly by Joseph, but Frank was present and assented to it, under some statements and corrections.

Mr. Palfray, is editor of the Essex Register; published an account of the supposed robbery—applied to the Knapps for it;

Joseph commenced relating—Frank occasionally joined—(it is the account given in the note)—did not show it to the Knapps; did not then doubt the truth of the statement.

**Nehemiah Brown's testimony.* Richard Crowninshield was a prisoner under his custody. On the 15th of June, had occasion to go to his cell, and found him hanging to the grate by two silk handkerchiefs, and dead—called a number of physicians who attempted to restore life, without effect; then summoned a coroner, who held an inquest.

Stephen Myrick's testimony. Knows Frank Knapp—lives last house in Brown street, before you go into Newbury street, on the north side. About 15 minutes before 9, saw a person standing at the post, at the corner, directly opposite his shop, on the evening of the 6th of April, with his arms on the post, facing the common. Did not know the man—noticed him because he thought it singular that a man should be there, apparently watching for some one. The bell rung 9—he closed his shop windows, but kept a part of the door open. The man stood there some time, walking now and then a few steps one way or the other, and back to the post. If any one was coming either way he walked the contrary way, and turned so as to meet the person at the corner—went and shut his back gate—saw the person standing there then—he went away and left him standing there, and saw him no more—did not see the face—had not known F. Knapp before—has seen him since his arrest—thinks the person he saw was Francis Knapp, but cannot swear positively—saw him when he was brought up from jail before the grand jury, the first time—cannot say that he thought Knapp was the person, from his own observation alone, but from what he heard also—was about the size and height—Knapp wore a different dress—the person was dressed in a dark frock coat, very full in the bottom—does not recollect what he had on his head—the person who he supposed to be F. Knapp, at the court-house, was pointed out to him by some one else.

Mr. Webster's testimony. Went down Brown street from half past 9 to 10 on the evening of the 6th of April, from thence down Howard street, and home—got a quarter of the way, overtook two persons about the bottom of Howard street—first saw them about the middle of the street—took one of them to be Francis Knapp—the two were walking arm in arm—did not think much about it at the time—has always known F. Knapp; usually has seen him every day, when he was at home from sea. Did not see the faces of the men—knows F. Knapp well—sometimes speaks, and sometimes does not—both had on dark wrappers and glazed caps—did not know the other—thought they were waiting for somebody—cannot swear positively to a man without seeing his face, or speaking to him—supposed it to be Frank, from his air and general appearance.

John A. Southwick's testimony. Lives next door but one above

the rope-walk, to the west—left his father's house, in Essex st. on the evening of the murder, about half past 10, to go to his own—passed up by the rope-walk and saw a man sitting there, who dropt his head as he went by—went up again and passed by him—returned again—is satisfied that it was the same person—seemed to be doing nothing—dropt his head every time he passed—had on a camblet coat, and glazed cap—took him to be Frank Knapp—had known him before—brought up along side of him from his boyhood—went into the house—wife up—told her who it was. Walked out as far as the corner of Downing's house; was looking for the person down Howard street; Capt. Bray came up; he (Capt. B.) asked, what are you looking for so late? Answered, that he had seen a person sitting on the rope-walk steps, or thereabouts, who looked suspicious; Capt. B. observed he had seen one also, and pointed up to Mrs. Shepherd's and said, there he is now; looked that way and saw a person standing there; that person came down the street and passed them whilst they were talking, and leaned over a post in front of Mr. Bray's house. They went into Bray's house, into the front chamber; Bray looked down; observed, he is still standing at the post—another one is come up, and they have gone to the western corner of the house. He then saw one of the persons run across the street and turn round the rope-walk corner down Howard street; immediately went out of the chamber; went down Howard street; did not see any body after that; returned to his wife; talked about what he had seen; supposed the person was Frank Knapp: he wore a camblet cloak, and cap: did not see his face: did not see him move, only dropping his head; his dropping his head made him suspicious; could not tell what to suspect; has not known Howard street as a place where young men go to meet women.

[The jurors having requested permission to view the premises, and the counsel for the prisoner expressing their approbation of the request, the judges acceded to their wishes, but ordered that no one should enter the house with them, or go within speaking distance of them. The particular spots to which it was desirable to draw their attention, were then pointed out to them on the plan.]

Mr. Daniel Bray, jr's testimony. Lives near the corner of Brown street; met Mr. Southwick on the evening of the 6th of April, as witness was going down Brown street; at the fourth post he saw a man; dark frock coat, very full at the bottom; continued until he met another man; found it was Mr. Southwick; asked him what he was out so late for; Southwick answered, he had seen a man on the rope walk steps that looked suspicious; witness turned around and observed, 'There stands the man now'; could see him distinctly then; Southwick said he had seen a man before he went into his house, where he put off his coat, and came out to see if he could find

him ; went close to the rope walks to get out of the wind ; the man who stood at the post, passed by them, and stood near a post just by witness's door ; asked Mr. Southwick to go into his house and see what they were about ; went up into the chamber ; saw the man standing at the post ; did not lose sight of him until they went away ; another man came up ; remained 2 or 3 minutes ; stood close to the post facing each other ; the man that came up ran as hard as he could run down Howard street ; the other man went out of sight to the eastward ; came down as quick as he could ; saw nothing ; knows he did not go to the westward ; went down Branch street, (Howard street) came to the burying-ground ; looked over ; saw nobody then ; walked the whole length of the street ; saw a carriage or light waggon pass by, going to the eastward on the new road towards Beverly ; about a common pace ; continued to William street ; came up William street and home ; did not know the person of the prisoner ; knew him when a boy ; saw him in the prison and at the house ; can't tell whether he is the person whom they saw ; the same size ; heard the clock strike 10 ; 30 to 40 minutes after when he saw Mr. Southwick ; knows the locality ; did not take much notice until after the murder ; can see the windows of the west end of Mr. White's house ; all are visible from Mr. Downing's steps and thereabouts ; went there whilst Mr. White lay dead ; could see lights in the house ; in the western side ; could see all the windows ; could see light in the windows over Mr. White's chamber ; could see the windows on the same floor and the windows over that.

Miss Judith Jaques's testimony. Passed through Brown street about ten o'clock on Friday night previous to the murder, and saw a group of three men near the steps of the rope walk, two of whom were standing and one was pointing towards Capt. White's house ; he had in his hand something which he appeared to be looking at ; she thought then that it was some musical instrument as witness passed and he who sat upon the steps took the 'something' and put it behind him. The two who were standing had on cloaks or wrappers with capes and glazed caps, and the one who was sitting wore some other garmen and a hat.

Mr. Phillip Chase's testimony. He had been through Brown street for the purpose of ascertaining whether Capt. White windows could be seen from the neighborhood of Howard street, and found that it could be seen distinctly. Witness visited Palmer in prison, in the room directly under Richard Crowninshield. While there a string was let down through the ceiling with a lead pencil—soon after a piece of paper with two lines of poetry, and a request that if he was acquainted with the poetry he would complete the verse and send it back. Witness pulled the string, and it was drawn back. Then he heard a shrill whistle, after that, the person above called, in a hard

"isper—'Palmer,' 'Palmer.' Thinks Palmer knew who was at-ove him.

Joseph Burns' testimony. Was born in old Spain—has lived in Salem 25 years—keeps horses to let—knows Frank Knapp—had a conversation with him in the stable after the committee was appointed—F. came over after the Wenham robbery—asked if any body was in the stable besides witness—I said, no sir—he asked if I had a lost up stairs—told him yes—he said it was the best way to go up, I want to say something in particular to you—both went up—asked if witness had heard any thing about Capt. White's murder—told him no, wished to the Lord I should because I would make it known pretty quick—Frank said, the committee have heard you was out till about ten o'clock that night—if you see any body don't you let them know any thing about it, because the committee will try to pump something out of you : he said Joseph was a friend of mine, and set a good deal by me, and he (F.) too—the committee would try to pump me and see if they could catch me in one thing or another—he said he knew all the members of the committee, and if they wanted to see him he was ready to tell all he knew—he (witness) asked Frank what he thought of the two Crowninshields who were in jail—F. said they are as innocent as you and I are—I asked who the murderer could be—F. said Capt. Stephen White must be the one—I said, darn it, don't you go to tell me any such thing—don't you tell me about Capt. White, I know him too well, I have known him ever since he was 18 years old—Frank put his hand under his waistcoat, where he had a dirk—I said damn your dirk, I don't care for you and your dirk and 20 more—Frank said he came as a friend that I might be on my guard, and not get into trouble—knows Joseph J. Knapp, Jr.—has been in the habit of coming to his place and changing his outside dress, was there the week before the murder, sometimes wore a cap—sometimes a hat—sometimes a cloak—sometimes a surtout—sometimes took one and left the other.

Miss Sanborn. She was in Mr. White's house the day after the murder ; a man with a cap on threw a cloak in at the door, and said—"Take care of my brother's cloak."

Miss Catharine Kimball. Stated that she hung up the cloak, said that Joseph J. Knapp, jr. took it soon after, when he was going to Wenham.

Mr. Endicott's testimony. Had a conversation with Joseph J. Knapp, jun. in January last, about the time Capt. White had an ill turn. Jo. said if I had been in town Mrs. Beckford would not have sent to Boston for Stephen White—for he had no doubt that if Stephen White was present at the old gentleman's death he would destroy all the notes held by the estate against himself. He said further, that Stephen White was the only Executor, and that Mr. Lambert, who was dead, was the only witness

of the will. Witness doubted whether this could be so—but Joseph said, ‘ Black and white wouldn’t lie.’ Witness asked if the Will was not locked up, to which Joseph replied, ‘ Yes, but there is such a thing as two keys to a lock.’

Mr. Treadwell’s testimony. Knew Joseph White the deceased that he was 82 years of age at his death—his heirs were Stephen White and others, the descendants of his only brother and Mrs. Beckford and her heirs the descendants of his only sister.

Thomas Hart’s testimony. Is a hired man with Mrs. Beckford at Wenham—was hired by Capt. Joseph J. Knapp, jr.—went to live there about the 15th of April last—Frank Knapp came there to live some time after the murder, about the 28th—saw Frank Knapp on a Saturday night about the 28th of April—a dark night—is confident it was Saturday. Capt. Jos. Knapp, jr. and Mr. Davis had been to Salem—came about 7 in the evening—can’t say who was with him—didn’t see any body—he came in a chaise—knocked at the door—Joseph Beckford opened the door—he asked for Capt. Joseph Knapp, and they both wen’ out and stood at the chaise, about a quarter of an hour—could see the chaise, and thought he heard their voices—they came into the house, went into a room by themselves, staid about ten minutes, and then came out and Frank went away—Benjamin Leighton and Mr. Davis were there—it was dull, cloudy rainy weather—Frank had on a camblet-wrapper or great coat, and a cap—Jos. Beckford went to the door—they went through the kitchen, by him—saw no light at the door—Capt. J. Knapp, jr. gave him three 5 franc pieces to buy some meal with—had been dark three quarters of an hour when Frank came. Frank Knapp has worn a dagger—has seen him use it—has seen him a great many times take it out and play round B. Leighton. One evening in particular, he came in while they were in bed and prick-ed Ben. through the clothes. Ben. said, ‘ Don’t prick too hard Frank, you hurt me.’ ‘ Oh !’ said he, ‘ lay still you won’t feel it but two or three minutes.’ He met Joseph going into Salem on the afternoon of the 3d of April: he remembered that Frank had annoyed Benjamin Leighton with his dagger on Sunday the 25th of July, Leighton said ‘ Thomas,’ witness said ‘ Well, what is it ?’ ‘ They’re coming down to take me if I don’t tell all I know abqut it’ (the murder.) ‘ What’ll they do with you ?’ ‘ Put me in prison, I suppose.’ Leighton then repeated to him (Hart) what he had overheard at the gate, between Joseph and Francis Knapp. Joseph said, ‘ When did you see Dick ?’ ‘ I see him this morning.’ ‘ When is he going to kill the old man ?’ ‘ I don’t know.’ ‘ Well,’ replied Joseph, ‘ if he don’t kill him soon I won’t pay him.’

Dr. Barstow testified that he was with Mr. Colman when the club was taken from under the steps of the Howard street meet-ing house.

Mr. Gardiner opened for the defence. After stating the law, and remarking upon the evidence, he proceeded to the testimony in behalf of the prisoner, and read the record of the conviction of Palmer, for an attempt to steal in Maine.

At this stage of the trial Mr. Webster stated that the counsel on both sides had consented to refer to the minutes taken at the last trial, instead of re-examining the witnesses to prove the *alibi* of George Crowninshield, as it would save much time. The minutes were then read.

Thomas B. Vose. Is clerk and commissary at the State Prison in Maine : knows Palmer : that is the man.

John W. Webster. Has known Palmer he thinks 8 years : knows nothing in his favor : might have heard a hundred say they would not believe him on oath, where he was interested : don't feel authorized to state that he has any general character for truth and veracity.

Cross examined. Will swear that he has heard three persons say they would not believe him : may have heard 20 : will not state any number more than three : would not state 10 or 5 before the arrest on the charge for this murder—knows that his reputation for truth and veracity, among those who know him is bad.

Wm. Babb. Is inn-keeper and farmer : lives at the half-way house on Salem turnpike : knows Palmer : has not seen him before now since he left half-way house : not positive when he left there : according to his impressions came on the evening of the 9th April : left, morning of the 10th : heard of the murder on the 9th : a man gave him the news : Palmer never slept at the house before, that he knows : Palmer could not settle his bill, had no money : called himself George Crowninshield : gave witness a plaid silk hankerchief and a due-bill for 62 1-2 cents, signed George Crowninshield : kept his head down : witness left the paper on the desk, and has never seen it since : saw Palmer go towards Lynn : knows it was about the 9th or 10th as he was settling, at the time, with one Green, whose receipt is dated April 10th : don't know where Palmer came from : came in between 7 and 8 in the evening, and left next morning about 7 o'clock : didn't make much account of the due-bill : don't know who took it : was in a hurry to go to work. Palmer got up late : remembers many little things about it, which if he could swear to, he could tell a pretty straight story.

Mr. D. Potter was called. Said he had a bet upon the last trial. 'You have no bet upon this?' No sir. 'You didn't speculate upon this occasion?' No sir. I have not heard the whole trial. 'When you have heard the *whole* trial, I dare say your opinions will be better formed.'

Nathaniel P. Knapp's testimony. He was present at a conversation between the prisoner and Mr. Colman. His brother Jo-

seph asked him to get Frank's consent to his being a witness : he went into prisoner's cell with Mr. Colman on the day after the arrest and told Frank that Mr. Colman felt assured that their only hope of salvation was to confess ; that a pardon would go through town that night for Palmer, but that it might be stopped : told him that his father had been assured by the Committee of Vigilance that Palmer knew all about the murder : asked Mr. Colman if it was not so, and he said 'Yes' : told Frank that if Joseph was convicted, there would be no hope for him : but if he (Frank) was convicted, there would be a chance of obtaining a pardon. Mr. Colman said his youth would be in his favor, that his case would excite sympathy, especially if it should be seen that he had been influenced by Joseph : Mr Colman said he was authorised to offer the pardon to either of them, but it was necessary that the confession should be made immediately. Frank said he had nothing to confess : it was a hard case : but if it was so, Jo might confess, but he should stand the trial. At this conversation nothing was said about a club. They went into Frank's cell from Joseph's ; Mr. Colman went at request of witness : he did not hear Mr. Colman ask the prisoner if he was at home that night. Mr. Colman asked him not to remove the club as they were going from Joseph's cell to Frank's : Mr. C. said he would take witnesses and get it for his own security. The next Saturday morning he met Mr. Colman on Salem turnpike : Mr. C. showed the promise of the Attorney General, and asked him to return to Salem. Witness said he should be back by 2 o'clock, and asked Mr. C. not to go to Joseph's cell until he returned : Mr. C. promised him he would not. Mr. C. said he had forgotten whether he got the story of the club from Joseph or Frank. Witness told him he did not get it from Frank as he said nothing about it : Mr. C. said he believed it was so ; thought it probable he had been misunderstood by Mr. White and asked witness to take a note to him : Mr. C. wrote a note and he carried it to Boston but did not find Mr. White : when he got back to Salem it was about 3 o'clock ; he went to the Jail and asked permission to speak to Mr. Colman : he found him in Joseph's cell, but Mr. C. refused to admit him until he had finished his business. He then went to his office : Mr. C. came in about 5 o'clock with a paper : said he could not show it to him unless in presence of witnesses : was going to Mr. Barstow's and when ready would send for him : after some time, he was sent for : when he went in, was told that the committee thought it would be improper to show it to him. Mr. Colman went to witness' office about 20th or 30th of June, as he said, 'To refresh his memory' about the conversation he had with Frank ; said he got his information about the club from prisoner : witness denied it. Mr. C. said, he could not have gotten it from Joseph. Mr. Dexter entered during the dispute and told Mr. C. he was excited : Mr. D. en-

deavored to reason with him ; Mr. C. said he should go and see Joseph and that Mr. Dexter might go with him in presence of other witnesses. There was nothing said in Frank's cell about the daggers : nor about who went into the house to commit the murder : when he met Mr. Colman on the turnpike, witness was going to Boston to see counsel for his brothers. Whilst he was at the prison with Mr. Colman, he saw a chaise stop at the gate, with his brother's wife and her mother : thinks Mr. Colman spoke to them : but did not hear the conversation : does not recollect any conversation that took place in Joseph's cell except that he was requested to visit Frank : never said that he had heard all Joseph's confession : said he *presumed* he had heard all that was said : was in Jo's cell about 10 or 15 minutes.

Was any thing said about Jo's becoming State's evidence ? Yes sir. No confession made, was there ? No sir. Did Frank say that it was hard that Jo should have the privilege of confessing ? No sir. Did he tell Jo it was a silly business ? No sir. You undertake to swear that nothing was said about the club ? Yes sir. Nor the dagger ? Yes sir. Nor about who was in the house ? Yes sir ; I never told Mr. Wheatland, Frank was in Brown street on the night of the murder. Why did Mr. Colman ask you not to take the club ? He wished to get it himself. When did he learn from Jo where the club was ? I do not recollect—only Mr. Colman asked me not to disturb it. How came he to ask you such a question ? I suppose he knew I had learned where it was. When did you hear it ? I think he told me. If nothing was said in Jo's cell, nor on the passage to Frank's, nor in Frank's cell, how do you make it out that you learned where it was, in the prison ? Nothing was said in Jo's cell, to my knowledge. Witness thought Mr. Colman must have told him at the time he asked him not to disturb it. Mr. Colman went to cell contrary to his wishes and his father's ; never told Mr. Wheatland that the family wished it ; had confided with Mr. Colman at his father's house, and in the street, might have got the story of the club at one of these interviews. Jo agreed to become States' witness when he was present ; thinks he did not make the agreement before he made any confession ; had not made any confessions, to his knowledge. Witness slept with his brother S. H. Knapp. Samuel usually went to bed first. Frank used frequently to stop at their chamber as he went by.

Mr. Pickering, was called to testify to the statements of Mr. Myrick, on the former trial.

E. G. Prescott, testified to the statements of Mr. Bray, Burns, and Leighton.

Rev. Mr. Flint. Joseph J. Knapp, senior, belongs to his society ; visited Frank once, (was not allowed to testify whether he made any confession.)

Mr. Webb, was at Mr. Deland's party; left about half past 10; clock struck 11 as he came down Brown street; it was a light night, a little cloudy, considerable wind and dust.

Mr. Osborne, keeps a livery stable; Frank Knapp has hired horses of him frequently; has charges against him since the first of April. (Several charges were mentioned, and referred to in the books.) On the 2d of April, Knapp had a saddle horse to go to Dustin's, in Danvers: Allen had one the same afternoon; Frank had a horse and gig the evening of the same day; knows it was after he had the saddle horse; Frank often went to his books and altered charges; was allowed to do so; the charge was made originally to Lynn Mineral Springs, but had been altered to 'ride'; 'springs,' is erased, and 'ride,' inserted; he did not do it; thinks it is in the writing of Frank. 5th, saddle horse to Wenham; 6th, horse and gig to —, did not know where, nor was any price put down; left it for Knapp to fill up or inform him about; 19th, horse and gig to Wenham; 21st, horse and gig to Wenham: over the name of Frank, is put that of Joseph J. Knapp: Frank said it was to be charged to his brother: 23d, horse and gig to Wenham: the last charge in the day: has eleven entries: supposes it to be in the evening: 25th, half of a horse and gig: he went in company with Mr. Balch: 27th, horse and gig to Wenham. Makes his charges when the horses go out, as a general practice, and puts down the place, if they tell, beforehand: always considered Frank Knapp honorable, and allowed him to make any alterations in charges to him: willing to trust him: there were a considerable number of charges in March against him: always hired frequently: don't know as more so in April than before: understood that Knapp's father failed on the 6th of April: the charge on the 5th, he should think was in the afternoon: has a horse called Nip Cat: a remarkable horse, very small, sorrel, a smart trotter, gaunt, a lively horse: generally goes with her mouth open, as though she was going to devour all before her: would be likely to be noticed.

James Savary, boards at the Lafayette Coffee House, went down towards Mr. White's house about 4 o'clock in the morning after the murder: saw a man coming out of Mr. White's house, who came towards him, and then, as soon as he saw him, turned and run: the man had on a dark dress, and was of a middle size: has seen the man since: thinks he is not at liberty to tell the name. (Court said he must.) Frank Knapp: had said so immediately after: before the Knapps were arrested: pointed Frank out as the man, to a person going to Boston: don't know who.

Silas Wolcott. Was out between 3 and 4 o'clock on the morning after the murder: saw a man near Crossman's court: when he came in sight the man turned round and made off: did not run: was not near enough to see the dress or size.

Mr. Balch. Lives in Lynde street; thinks he saw Frank Knapp on the night of the murder, but cannot be positive as to the evening; was with him the first and last part of the evening, with Birchmore and Page; first saw him in Essex street between 6 and 7; was with him about three quarters of an hour; saw him next between 8 and 9 in at Mr. Remmons's in Derby Square, Birchmore was there, and don't recollect whether Forrester or Page; left about 9; went out to walk all together; went into Essex Street; nowhere in particular; he left at the corner of Court and Church streets; don't know when Forrester left, but believes it was at the Franklin building; has known one or two persons to wear dirks, and they have been quite common since the murder; wore a glazed cap at that time. Frequently walks out in the evening; can't say more about the night when he met these persons, than that it was Monday or Tuesday; believes it was rather dark and cloudy; was in at Remmons's smoking when Frank Knapp came in; it was soon after he shut the store, when he saw him the first time; when he went home, all the folks were going to bed; it must have been 10 o'clock; Frank had a saddle horse the evening he walked with him from Osborne—(Webster observed, he had none the night of the murder, but had one the Saturday night before. he and Page and Forrester and Birchmore have talked over the matter of the night; has been asked to go to Mr. Rantoul's office to talk with Birchmore about it; can't be positive about the evening; Phippen told them Frank said it was the evening of the murder.

Zachariah Birchmore. Saw the prisoner on the night of the murder—went with him into Barton's hotel about 7 o'clock—was there about an hour—Knapp went away—saw him again about an hour after, at Remmons's with Forrester and Balch, who were sitting with him smoking—Knapp came in about half past 8—they all left together about 9—and he left the party walking about half past 9—near the Franklin buildings—it was to the best of his recollection the night of the murder. Is not sure whether it was before or after the murder—thinks it was the night—don't think there was any conversation about the murder—recollects if was his impression it was that night—cannot recollect any thing more about it, than that—generally wears a hat—don't recollect what kind of an evening it was; has been in the habit of walking with Frank Knapp two or three times a week; told Mr. Waters if he had not sworn positively enough the first time he would the next; was first called on by Mr. Waters and said he could not swear positive as to the night.

John Forrester, Jr. Lives at Andover; had the walk spoke of with Frank and the others; could not fix the evening; Phippen Knapp and Mr. Rantoul came to see him at Andover, and told him that Frank said it was the night of the murder and the other boys thought so too; could not fix the time; had an impression, but nothing more; he and Page went together to Phippen Knapp's Office to talk about it.

John Chapman. Recollects that Monday was a pleasant evening.

Mr. Gardner here read the affidavits of Samuel H. Knapp's testimony which had been admitted by consent of prosecution. The following is the substance of them.

The prisoner swears that his brother S. H. Knapp, at present from the Country, would, if he were present, swear that prisoner went into his chamber about the time he is charged with having committed the murder, and spoke to him—that he answered him—that prisoner returned to his own chamber, and shut the door, that his brother, S. H. Knapp, heard him shut the door—that the prisoner did not expect to be confronted with the testimony of Mr. Colman—that he did not expect to be accused as principal, and had not prepared himself to prove an *alibi*.

N. P. Knapp swears, that he believes, that what the prisoner alledges is true, that his brother S. H. K. would swear, &c. and that his testimony is material evidence in his favour.

Mr. R. Rantoul swears, that he was present at Justice Savage's at the examination of the prisoner, and that it was not then thought necessary that his brother S. H. Knapp, should postpone his voyage to South America, on account of this trial, as his evidence was not deemed necessary—the prisoner being then accused as an accessory and not as principal.

Elizabeth Benjamin. Lives with Mr. Joseph J. Knapp—recollects the night of Capt. White's murder—does not remember if Frank was at home that night—he slept at home, or she would have noticed it in making the beds—she went to bed about 9—Frank came down as usual on the next morning—Phippen did not go to bed that night as she remembers from the bed—she found him in the morning writing about 5 o'clock, with the shutters unopened—did not observe any thing unusual about Frank that morning—saw Frank and Joseph when they started for Wenham the night of the robbery—does not recollect seeing Phippen at that time; has a faint recollection of a mandarin, or a cloak, or a blanket carried from Salem to the far from the farm to Salem, the day of the murder.

Rev. Mr. Colman. Had heard the testimony of Phippen does not desire to alter any thing in his former testimony; he first went to the prison, immediately after their arraignment, Friday, 28th May; came away a little before 1; went again at 3 o'clock; the friends of the prisoner, especially Mrs. Knapp, desired him to go. Mrs. K., his mother, asked him not to desert Joseph in his distress; Joseph desired him to call and ask his father and Phippen to come; he did so, and they requested him not to go, because it would be said they were confessing. He said he would not go if Phippen would make excuse for him to Joseph; he went to Phippen's office to see if he had made excuse, and did not find him; waited a quarter of an hour, and then walked towards the jail to meet him, as he saw him coming out of the jail-yard; they met and leaned over the fence in conversation till Mrs. Beckford and Mrs. Knapp came along; he then went along to the

prison; while he was talking with Mrs. Beckford, Joseph Beckford who had been to the cell, came and said that Phippen wanted to see him. Brown, the jailer, came a few moments after, with a similar request; he then went into the cell; Phippen came while he was there. After the conversation with Joseph was concluded, Phippen was admitted, and was told that Joseph had confessed; he said it must not be done without Frank's consent; when they went away to Frank's cell he promised to come back and let Joseph know whether Frank did consent; after coming from Frank's cell, Phippen went to the opening over the door of Joseph's cell and said something, he did not know what, but supposed it to be that Frank assented; went up, afterwards, to Boston to see the Attorney General; got the promise of a pardon for one of the prisoners, and on his way back met Phippen, riding with Mr. Field; asked Phippen to come and sit in the chaise with him; he did come, and said he hoped he (witness) had said nothing about Frank's having confessed; said he did not recollect, but would give him a note; wrote one with a pencil to Mr. Stephen White; saw Mr. White afterwards, and observed that he wished to be understood as having given Joseph as authority for what he had heard relative to the murder; saw Phippen afterwards, and told him he might make himself easy; promised Phippen, when they parted on the road, that he would wait till 1 o'clock; did wait till 3, and then went to the cell; Phippen came while he was there.

Cross-examined. Thought that Phippen went to Joseph's cell to say that Frank assented; told Dexter he had no doubt about the club; thinks he asked Jo. to tell him whether he told any thing about the club, and Mr. Dexter interfered and told him he did not say any thing; did not go to Phippen's office to refresh his recollections, but to compare them; on the side of the steps where he found the club he recollects but one rat hole; there might be more; did not tell Mr. White that he did not wish to implicate Frank, that would have done what he desired not to do; the object of going to Jo's cell, when he went with Mr. Dexter, was, as he understood, to learn whether Joseph had particularly designated the place where the club was; he wished to do this for Phippen's satisfaction, for he never had a shadow of doubt on his own mind; did not recollect the form in which he put the question . . . he did not expect to be called as a witness against Frank, . . . expected Joseph would have testified; did not state to Attorney General the conversation of Frank Knapp; took the impunity, form for either who might confess, excepting Richard Crowninshield, because he did not know but Joseph might deceive him.

Mr. Dexter—Then you expected Joseph might deceive you?

Witness. No, I did not expect it, I did not know but that some learned counsel might come down from Boston and tell him not to confess.

Mr. Dexter—Do you mean me?

Witness—Yes Sir.

Mr. Dexter—I think it very indecent.

Witness—I am sorry you think so, I did not mean to be indecent.

Mr. Gardiner—Did you expect counsel would come down;

Witness—I did not expect it. I did not know but he might refuse to testify or give the confession in writing for some reasons.

Mr. Gardiner—Did you expect he would for any reasons refuse to testify?

Witness—I did not till I found it to be the fact—if Joseph had broken his pledge I meant to have offered the promise to Frank.

Thomas Taylor, is an assistant in the jail—corroborates Mr. Colman's statements concerning the visits to the Knapp's cell; has talked with Stephen White about it.

George Whatland. Has heard Phippen Knapp testify in part—but did not expect to be called as a witness—had mentioned the conversation he had with Phippen Knapp, to Mr. Cabot, and to Mr. Saltonstall, since he heard that Phippen was to testify; immediately after the murder, that he passed by Captain White's house, four times on that night, and saw a light in Capt. W.'s chamber, but which time it was, of three of the times, he could not tell; did not pretend to fix which time, but believes he said he could not tell. The witness had a conversation with him, touching the conversation in the cell, between Mr. Colman, Frank, and himself; he asked why Mr. Colman went to see his brothers? Phippen stated, that Mr. Colman was an intimate friend; that he married Joseph, and had been intimate with his wife, and with Mrs. Beckford and the White family. Phippen said, he went to Jo's cell; called, but could not get in, because Mr. Colman was there, and when he was let in, Joseph had been telling Mr. Colman every affair, concerning the murder; when they were leaving Joseph's cell, he told Mr. Colman he must go and tell Frank what they had been about; they then went to Frank's cell; Phippen said he told Frank why Joseph was going to confess; because it would be better for Joseph and the family. He then asked Phippen if Mr. Colman asked Frank any questions. He said yes, and stated several questions, with the answers Frank gave; does not now recollect what the questions and answers were about, but thinks they must have been about either the club, or being in Brown street; thinks it was one or the other, because he did tell Phippen that that was enough to make Frank a principal; witness expressed wonder that they should get confessions prematurely. Phippen said, it was no matter, for they had evidence enough to convict Dick already; did not pay particular attention to the questions and answers, but does recollect his own reply, that it would make Frank a principal; did not state that he had advanced any fees in the case. had heard of nothing in Palmer's confession which Frank, and therefore he thought the confession premature told him that Frank was in Brown Street.

Michael Shepherd. Had a conversation with Mr. Knapp, the .. who told him that Frank had kept good hours lately, as Phippen told him; did not mention any thing about his coming home on the night of the murder; thinks this conversation was before the arrest of the Crowninshields; Mr. Knapp did not say any thing about being at home that evening himself, nor about knowing that Frank was at home; did not say any thing about bolting the door; did not say any thing about the clock's striking 10; witness did not ask when his son came home thinks he put no other question, than whether his son had associated with these young men; Mr. Knapp, the father was very busy the night of the murder making assignment of his property, but saw nothing unusual in his appearance, but was a good deal mortified and disturbed.

Mr. Treadwell. On Friday morning the 28th of May, had a conversation with Mr. Knapp—Mr. Shepherd had received the Palmer letter from Mr. Waters—took Mr. Knapp into the private room of the bank and told him that he thought his sons were guilty, and advised him to go and get a confession from one of his sons—because Palmer was arrested and had confessed and would be pardoned and turn States evidence—he said he would go—he then asked Mr. Knapp if he knew where Frank was that night, he said no—then asked him, what time did he come home that night? said he did not know, but about the usual hour—he then added that he was up very late that night—that is all the conversation he had with him upon the subject.

Perley Putnam. Birchmore has told him, before and after the last trial, that he could not be positive about the night that he walked with Frank Knapp.

Rev. Mr. Loring.—Forrester lives with him in Andover; told him about Phippen and Rantoul's coming up, and said he could not fix the night; they wanted him to go to Salem and see the others and see if they could not bring up some circumstance to fix it.

John F. Webb.—Had a conversation with Samuel Knapp on the 8th of June; Samuel said he could not tell any thing about his brother Frank being at home that night.

Joseph White.—Page told him on the 19th of July, that he could not tell whether it was Monday, Tuesday, or Wednesday night that they walked with Frank.

George W. Teal. Tends bar for Mr. Dustin in Danvers, saw Palmer about 6 o'clock on the day Mr. White was buried, staid to supper, nearly an hour and a half—heard Mr. Dustin say he was a suspicious character and wanted somebody to watch him—he was watched—it was not far from 7, when he left the house.

Stephen Brown. Lives in Danvers—lived at Lynnfield, at the hotel about the time of the murder—saw a person now known to be Palmer—cannot fix the day of the month—it was Wednesday before the fast—came in the morning, about half past 9, did not see which way—he was there till Saturday afternoon, except Friday afternoon, when he went—saw him between 7 and 8 Saturday morning—but did not know he got into the house—he said he had been detained in Salem—he came, nor how he got in—went by the name

Examined the body of Capt. White on Thursday at the request; it was his opinion then and is now, that the wounds must have been inflicted with different instruments, perhaps at different times; is quite sure they could not have been given with the same instrument; described the wounds and the reasons for his opinion at great length; the upper set of wounds near the left ear could not have been inflicted with an instrument more than five inches long; the instrument that inflicted the others must have been longer.

J. F. Webb. Frank has said frequently that he can go out of his father's house at night without having any of the family know it.

Joseph Deming. Has frequently heard Frank say the same as the last witness.

Mr. Mansfield. Was at the public meeting in Salem, the night Capt. White was buried; Richard Crowninshield, senior was there.

Jesse Smith, jr. Balch has said before and since the last trial, that he could not be positive about the night he walked with Frank Knapp.

Mr. Lord, Mr. Shillaber, Mr. Locke, and Mr. Miller, were called to testify to what had been said before by other witnesses.

Dr. Johnson. Did not observe any thing in the appearance of Capt. White's body to induce him to think the wounds were made at different times or with different weapons ; gave no reason for his opinion.

Birchmore and Webb, both swore to the dirk produced in Court, to have been used by Francis, and that he had no other to their knowledge.

It was admitted by the counsel for the prosecution, that the cloak's being at Capt. White's, was of no importance.

The evidence being closed on both sides, Mr. Gardiner referred to an admission by opposite counsel, that suspicions had existed against the Hon. Mr. White.

Mr. Webster.—I never did, nor never will admit that there ever existed any *general* suspicion that Mr. White was the murderer of his uncle. God forbid ! The admission was, that suspicions had existed against him before the Knapps attempted to excite such suspicions.

Mr. Gardiner then moved the Court to instruct the jury that they must acquit the prisoner, if they had any doubt that he was in Brown street—that they must acquit him if they believed he was there, and for any other purpose than assisting at the murder—that they must be satisfied from the evidence, that he did actually assist—and that even if they believed him guilty of hiring or procuring the killing to be committed, if he was not present, aiding and abetting, him 'not guilty.'

The counsel for the prosecution was asked whether the instructions to be given to the jury, on their part.

Mr. Webster.—We wish the Court to state the law nothing more.

Mr. Dexter then commenced his closing argument in the case of the prisoner. He occupied the attention of the Court for several hours, and introduced some new points, not touching upon the trial. His exertions received universal commendation, and having closed,

Mr. Webster rose on the part of the Government.

He entered into an able vindication of the conduct of the citizens of Salem, against the charge brought against them by the opposite counsel, for their endeavoring to light the perpetrators of the murder. It was said because rewards had been offered for the apprehension of the犯人, and a special session of the Court ordered for the trial of the case : this course was neither improper nor unconstitutional. A reward offered, provided by subscription. The special Court was absolutely necessary ; the Law required that in capital cases a majority of the Judges should be upon the bench, and their engagements were such, that without this special session, it would be impossible to bring them together for a sufficient time to try this issue for the next three years ; much gratuitous expense would be incurred.

observation had been made upon the employment of special counsel ; it was by no means an unprecedented circumstance : in cases of importance, nothing is more common ; in the case of the robbery of Maj. Goodridge, the government called in the aid of Mr. Prescott, the head of the Suffolk bar ; upon that occasion the opposite counsel did not exhaust their strength in carping at his presence, but in refuting his arguments. The Jury, it was said, had been called there to protect the innocent ; so they were ; but it was the innocent at peace with their God, reposing in the recesses of their dwellings, and the quiet of their chambers.

An attempt has been made to excite public sympathy in behalf of the prisoner, and stir up a spirit of indignation against the prosecutors, as if the discoverer of the murderer was worse than the perpetrator of the outrage—as if the horror which had filled men's minds at the recollection of the enormity, was a subject of censure and reproach. Had the community evinced that undisturbed apathy, the absence of which seems to be so much regretted, a repetition of the crime would have been a just retribution. The evidence produced by the government, had been contemptuously called ‘*stuff*.’ It was *stuff*—not ‘such stuff as dreams were made of’—but such stuff as he would weave into a fabric, upon which, the jury would find a picture of the guilt of the prisoner.

Mr. Webster then commenced his examination of the testimony step by step. Where he considered it as possessing he enforced his belief with most persuasive eloquence. If testimony was irrelevant, or little worth, he cast it worthy of consideration.

Others have made arrangements to report his argument in a separate pamphlet. To give any further account, would occasion a delay, in the publication beyond the time at which public curiosity de-

... then charged the Jury as to the points of law in the case before them. They retired at 1 o'clock, P.M., and, at 20 minutes past 6, returned a

VERDICT OF GUILTY !

The prisoner was ordered to be placed at the bar at 9 o'clock this Saturday, Aug. 22d, to receive his

SENTENCE.

APPENDIX.

PALMER'S LETTER—NOTE A PAGE 8.

BELFAST, May 12, 1830.

Dear Sir,—I have taken the pen at this time to address an utter stranger, and strange as it may seem to you, it is for the purpose of requesting the loan of three hundred and fifty dollars, for which I can give you no security but my word, and in this case consider this to be sufficient. My call for money at this time is pressing or I would not trouble you; but with that sum, I have the prospect of turning it to so much advantage, as to be able to refund it with interest in the course of six months. At all events I think that it will be for your interest to comply with my request, and that immediately—that is, not to put off any longer than you receive this. Then set down and enclose me the money with as much despatch as possible, for your own interest. This, sir, is my advice, and if you do not comply with it, the short period between now and November will convince you that you have denied a request, the granting of which will never injure you, the refusal of which will ruin you. Are you surprised at this assertion—rest assured that I make it, reserving to myself the reasons and a series of facts, which are founded on such a bottom as will bid defiance to property or quality. It is useless for me to enter into a discussion of facts which must inevitably row up your soul—no:—I will merely tell you that I am acquainted with your brother Franklin, and also the business that he was transacting for you on the 2d of April last; and that I think that you were extravagant in giving one thousand dollars to the person that would cut the business for you—but you know best about that, you see such things will leak out. To conclude, sir, I will inform you that there is a gentleman of my acquaintance in Salem, that will advise you do not leave town before the 1st of June, giving you sufficient time between now and then to comply with my request; and if I do not receive a line from you, together with the above sum, before the 22d of this month, I shall wait upon you with an assistant. I have said enough to convince you of my knowledge, and merely inform you that you can, when you answer, be as brief as possible. Direct yours to CHARLES GRANT, Jun. of Prospect, Maine.

J. J. KNAPP, JR.'S. LETTERS—NOTE B PAGE 9.

MAY 13, 1830.

Gentlemen of the Committee of Vigilance.

Hearing that you have taken up 4 young men on suspicion of being concerned in the murder of Mr. White I think it time to inform you that Steven White came to me one night and told me if I would remove

Post

the old gentleman, he would give me 5000 dollars; he said he was afraid he would alter his will if he lived any longer. I told him I would do it but I was afeard to go into the house, so he said he'd go with me, that he would try to get into the house in the evening and open the window, would then go home and go to bed and meet me again about 11. I found him and we both went into his chamber. I struck him on the head with a heavy piece of lead and then stabbed him with a dirk, he made the finishing strokes with another. He promised to send me the money next evening, and has not sent it yet, which is the reason that I mention this. Yours &c.

GRANT.

[This letter was directed on the outside to the "Hon. Gideon Bartow, Salem," and put into the Post Office, on Sunday evening, May 16th, 1830.]

LYNN, May 12, 1830.

Mr. White will send the \$5000 or a part of it before to-morrow night, or suffer the painful consequences.

N. CLAXTON 4th.

[This letter was directed on the outside to the "Hon. Stephen White, Salem, Mass.," and put into the Post Office in Salem, on Sunday evening, May 16th.]

WENHAM ROBBERY—NOTE C PAGE 10.

The Wenham robbery as it is called, is a story related in the "Essex Register" of Monday, May 3, 1830; upon the authority of the brothers Joseph and Frank Knapp. Their story as told to the Editor was this:—They were going on the Wednesday previous, from Salem to Wenham in a chaise; when near Wenham Pond, about half past seven in the evening three footpads came towards them; one seized the chaise by the head, and the other two came one on each side of the chaise, near the boot; one of them laid hold of a trunk and was struck by the other brother with the but end of his whip; the other brother, who had a sword cane drew it, jumped out of the chaise and pursued the robbers; he leapt over a wall and concealed themselves in a pine wood. They had intended to stop at Wenham, but they were alarmed by the approach of the mail stage. The others continued their journey unmolested; other particulars were not related; but the whole account is evidently a forgery.

KEY TO PLATE I.

- | | | | |
|---|--|---|---------------------|
| A | The residence of the late Joseph White, Esq. | 1 | North River Road. |
| B | Howard street Church. | 2 | Church Street. |
| C | Jail. | 3 | St. Peter's Street. |
| D | Mr. Southwick's House. | 4 | Howard Street. |
| E | Mr. Downing's House. | 5 | William Street. |
| F | Ropewalk Steps. | 6 | Brown Street. |
| G | J. Potter's House. | 7 | Newbury Street. |
| H | B. Henderson's House. | 8 | Essex Street. |
| I | D. Bray's House. | 9 | Union Street. |
| J | Green House. | | |
| K | Mr. Andrews' House. | | |
| L | T. Deland's House. | | |
| M | The Post. | | |
| N | Essex Coffee House. | | |
| O | M. Newport's House. | | |

KEY TO PLATE II.

- | | | | |
|----|---|---|---|
| A | Dining Room. | J | Represents the Chamber occupied by Mr. White, over the dining room; and the dotted lines show the track of the Murderer, who had to pass up one pair of stairs to arrive at the room. |
| B | Front Parlor. | K | Mr. White's Stable. |
| C | Back Parlor. | L | Mr. Gardiner's House. |
| D | Entry Steps. | M | Mr. Deland's House. |
| E | Kitchen. | | |
| F | Wash Room. | | |
| G | Wood House. | | |
| HH | Gate through which the murderer is supposed to have passed to gain access to the house. | | |
| I | The window at which he entered. | | |

BLUDGEON

FOUND UNDER THE STEPS OF HOWARD STREET CHURCH.



† Loaded with Lead.



JOHN FRANCIS KNAPP,

Arraigned as Principal on the first indictment, is the younger brother. He is above the middle stature, but not tall; of an easy carriage and gentleman-like deportment. Shoulders square and rather broad—limbs well knit, and of fair proportions—motions of the head and neck free—look upright. His features are neither well nor badly formed—nose prominent and of a receding curvature—flesh about the mouth full, like the jaws of a mastiff—eyes and hair dark—expression of the eyes sinister—forehead low, narrow and slightly prominent. Looks pale and haggard—seems more like one struggling against deep rooted grief, than affected by dread of punishment. He sometimes smiles, but his smile is forced and unnatural—does not seem to fear the encounter of observation—elevates his head boldly but not impudently—possesses perfect controul over his features, which have been *only twice* seen to alter at any change in the evidence. Once on the first Trial; when his dirk was produced in Court, the deadly paleness of his face was tinged with a slight blush; again on the second Trial, when the Court ordered Savary to say who it was that he saw coming out of Capt. White's yard; at the words "Frank Knapp" his whole face was suffused with scarlet. His hands are often clasped and sometimes wrung with a slight convulsive motion. His appearance is not prepossessing—his expression is reckless, and indicative of a bold and daring disposition. He is twenty years of age—but looks many years older.

Murder of Joseph White.

The following lines were written on the death of MR. JOSEPH WHITE, of Salem, who was found murdered in his bed, on the morning of the 7th of April, 1830, aged 82 years.



*" Shall auld acquaintance be forgot, and never brought to mind ?
Shall 'horrid murder' be forgot, in the days of Auld Lang Syne ;
No : let this tale be treasur'd up, that one and all may know,
That they taste not the bitter cup, of sin, and death, and woe.*

TUNE—“Auld Lang Syne.”

O WHAT a horrid tale to sound,
In this our land to tell,
That JOSEPH WHITE, of Salem Town,
By ruffian hands he fell !
Perhaps for money, or for gain,
This wicked deed was done,
But if for either, great the pain
This monster must be in.

O thou infernal of the damnd,
To murder in the night,
With cruel arm, and blood-stain'd hand,
Which pierc'd the side of *White*.
Thou harden'd hearted, monster devil,
To thrust the *dirk* of death,
You will be plac'd upon the level,
For time will stop your breath !

There you will lie, the ‘*trump* will sound,’
And God will call you forth ;
You will be judg'd, and then be bound
In weighty chains of wrath ;
And doom'd to that infernal place
Where devils have their train,
You will be paid, by devils’ grace,
With torture, anguish, pain.

What led you to this awful deed,
No man on earth can tell ;
But may we know, God give it speed,
That you may flee from *Hell*.
O ! that the Mighty arm above,
Would bring to light the wretch,
And on his soul might rest the Dove,
That gave this sinner breath.

Who would have thought that such a deed,
In this, our Christian land,
Would ever taken place, indeed ;
It has, **O** ! cruel hand.
To slay an aged gentleman,
No person he could harm,
Is murder shocking, in extreme,
While lay sleeping calm

Calmly he laid in sweet repose,
The ruffian forc'd the room,
And with his *dirk*, he did dispose
Of him, who'd done no harm.
Great God, how can these things be so ?
When man is left alone,
Poor feeble wretch, he does not know
How wicked he has done.

Sold Wholesale and Retail, corner of Merchants' Row & Market Square, Boston.
The restraining grace of Heaven,
Will keep us all from wrong,
But **O**, that cursed, hellish leaven,
It leaves, to be strong.
Like devils, for destruction bold,
And wealth and blood their aim,
And to all good their hearts are cold,
Care not for heavenly claim.

Did you think you were conceal'd ?
No ; no, there's ONE could see,
And sure the crime will be reveal'd,
This side eternity.
And banish him, that cursed wretch,
Into that dark abode,
Where *Devils* fight ; think not of wealth,
And he will join their code.

For he has been a Brutus bold,
Without the fear of God,
To heavenly precepts he is cold,
He thirsts for wealth and blood.
He has effected a design
To him will prove a curse ;
He may be dropt from the *platform*,
Or doom'd to something worse.

Great Pope once said, that all was ‘right,’
So said a sturdy thief ;
But when he found a rope, he might
Have ‘alter'd his belief,’
O And so would say that artful wretch,
O Who murder'd Joseph White—
O The hangman he may stop his breath,
O And prove that Pope was ‘right.’